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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,721	11/14/2005	Tsuneo Shirai	279719US6PCT	3287
22850	7590	10/07/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
FOSSELMAN, JOEL W				
ART UNIT		PAPER NUMBER		
2622				
NOTIFICATION DATE		DELIVERY MODE		
10/07/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
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### Office Action Summary

**Application No.**

10/556,721

**Applicant(s)**

SHIRAI ET AL.

**Examiner**

JOEL FOSSELMAN

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 8-9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Arai et al. (US Patent 5,457,473, hereinafter Arai).**

Re claim 8, Arai discloses in figures 1-5, a display apparatus comprising: a display configured to display an image (reference character 22, col 5 lines 13-15); driving means for driving the display (reference character 20); and extracting means for extracting control data for controlling the display (reference character 18, col 4 lines 65-67), the control data being superposed on a predetermined segment of an input image signal (col 4 lines 57-65); wherein the driving means drives the display based on the parameters included in the control data extracted by the extracting means so that an image corresponding to the image signal is displayed (cols 4 and 5, Abstract).

Re claim 9, Arai discloses, the display apparatus according to claim 8, wherein the predetermined segment is a segment in which vertical blanking data of the image signal is included (Abstract, col 4 lines 57-65).

Claim 12 is rejected as applied to claim 8 above. The method steps as claimed would have been anticipated by the system of Arai.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 4-7,10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai.**

Re claim 1, Arai discloses in figures 1-5, an image processing apparatus that executes predetermined signal processing on an input signal and outputs an image signal generated to driving means of a display apparatus, the image processing apparatus comprising: superposing means for superposing control data for controlling the driving means on a predetermined segment of the image signal (reference character 16, col 4 lines 57-65); and outputting means for outputting the image signal with the control data superposed thereon to the driving means (reference character R,G,B'); wherein the control data is provided for parameters of the display apparatus that is to be controlled by the driving means (Abstract, col 4 lines 17-67). Arai fails to explicitly disclose that the control data is provided for each parameter of the display apparatus. Official Notice is taken to note that including each and every parameter for controlling an apparatus in one control signal is notoriously well known and used in the related art and would have been obvious to utilize to enable the display parameters to be output only once reducing the complexity of the system.

Re claim 2, Arai discloses, the image processing apparatus according to claim 1, wherein the predetermined segment is a segment in which vertical blanking data of the image signal is included (Abstract, col 4 lines 57-65).

Claims 4-6 are rejected as applied to claim 1. The control signal corresponds to the user input control instructions and dictates the behavior of the display. In view of the combination of Arai and obviousness, one skilled in the art would not have been precluded from representing specific parameters, such as: image reversal, white

balance, back light information, in the control signal. The control information outputted would have been obvious dictated by design choice.

Claim 7 is rejected as applied to the above claims. The method steps as claimed would have been implied and expected by the modified system of Arai.

Claim 10 is rejected as applied to claim 9 for the reasons stated in claim 1.

Claim 13 recites essentially the same scope as the above-mentioned claims and is rejected for the same reasons.

**Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai in view of Maki (JP 2000-250526, hereinafter Maki).**

Re claim 3, Arai discloses the limitations of claim 2 as stated above. Arai fails to explicitly disclose that the control data for each parameter is provided repeatedly a plurality of times.

Maki discloses a method and device for image display control. The control data can be related to any controllable display parameter. Maki discloses a transmitting means that carries out multiple-times transmission of a same command data to a display (par [0007]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an image processing apparatus, as claimed, to superimpose control data for a driving means onto the vertical blanking period of an image; meanwhile providing the control data repeatedly. Since Arai discloses an image display apparatus that superimposes control data for a display on the vertical retrace

period of an image signal; carrying out multiple-times transmission of the same command data, from Maki, would reduce the chance that an error during transmission would cause the whole image display to be affected.

Claim 11 is rejected as applied to claim 10 for the reasons stated in claim 3.

### ***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOEL FOSSELMAN whose telephone number is (571)270-3728. The examiner can normally be reached on 8:00 AM - 7:00 PM M-T, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Joel Fosselman/  
Examiner, Art Unit 2622  
09/22/2008

*/Ngoc-Yen T. VU/  
Supervisory Patent Examiner, Art Unit 2622*